

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GUSTAVO VILLANUEVA,
Plaintiff,
v.
CONDOLEEZA RICE, AS SECRETARY
OF THE UNITED STATES
DEPARTMENT OF STATE ET AL.,
Defendants.

Case No.: C- 07-5721 PVT

**ORDER DENYING REQUEST FOR
RECONSIDERATION OF
APPOINTMENT OF COUNSEL**

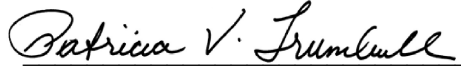
On November 13, 2007, Plaintiff, Gustavo T. Villanueva filed a request for appointment of counsel. In an Order dated December 6, 2007, the court denied Plaintiff's request. On January 2, 2008, Plaintiff filed a second "request for appointment of counsel."

Because this court construes filings of a pro se Plaintiff liberally, Plaintiff's second request for appointment of counsel will be treated as a request for reconsideration, although the filing is not labeled as such. *Wolfe v. Strankman*, 392 F.3d 358, 362 (9th Cir. 2004). Plaintiff fails to set forth any new facts in support of his request for reconsideration for appointment of

1 counsel.¹

2 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's Motion for
3 Reconsideration of Appointment of Counsel is Denied.

4 Dated: 1/7/08

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6 PATRICIA V. TRUMBULL
United States Magistrate Judge

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27 ¹Plaintiff's moving papers indicate that Plaintiff is operating under the assumption that while
28 the court cannot require pro bono representation, it can request it on his behalf, as asks that the
court to do so. Plaintiff's understanding is incorrect. In the underlying request, Plaintiff failed to
show he qualifies for the court to request counsel to represent him, and therefore, the court
denied his request.

1 *Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

2 copies mailed on 1/8/08 to:

3 Plaintiff (Pro Se)

4 Gustavo T Villanueva
5 1301 Cougar Creek Drive
6 Patterson, CA 95363

7 Talin Tascian for
8 CORINNE LEW
9 Courtroom Deputy